

Message Text

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PAGE 01 NEW DE 10070 291546Z

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ACTION NEA-12

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C O N F I D E N T I A L NEW DELHI 10070

E.O. 11652: GDS

TAGS: PFOR, PK, IN, BG

SUBJ: PRELIMINARY COMMENTS OF INDIA-PAKISTAN-BANGLADESH
AGREEMENT

1. THE DELHI AGREEMENT INDICATES THEY HAVEN'T LOST THEIR TOUCH. THE SIMLA PROCESS IS STILL VERY MUCH ALIVE, ALTHOUGH IT SEEMED TO BE IN DANGER AT VARIOUS TIMES DURING THE NEGOTIATIONS. THAT NEITHER SIDE PERMITTED THE TALKS TO FAIL PERHAPS INDICATES THAT EACH SEES AN INTEREST IN SUCCESS, AND IN IMPROVED RELATIONS. THIS IS WHAT NOURISHES SIMLA AND GIVES US CONFIDENCE THAT THE THREE COUNTRIES WILL AT LEAST BE ABLE TO DIG THEIR WAY OUT OF THE LAST WAR. WHETHER OR NOT THEY WILL BE ABLE TO GO ON AND ESTABLISH COOPERATIVE RELATIONS IS ANOTHER MATTER.

2. WHILE THE DELHI AGREEMENT IS A SIGNAL ACHIEVEMENT IT IS FAR FROM THE END. IT WAS POSSIBLE ONLY BECAUSE THE TOUGHEST ISSUE WAS SET ASIDE. THE QUESTIONS OF WAR CRIMES TRIALS AND PAK RECOGNITION OF BANGLADESH REMAIN UNRESOLVED. THE AGREEMENT
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PAGE 02 NEW DE 10070 291546Z

SAYS THAT THERE WILL BE A TRILATERAL MEETING TO DISCUSS AND

SETTLE THE QUESTION OF THE 195 POW'S. BANGLADESH SAYS IT WILL PARTICIPATE "ONLY ON THE BASIS OF SOVEREIGN EQUALITY". THE INDIANS SAY THAT THIS MEANS THAT PAKISTAN MUST FIRST RECOGNIZE BANGLADESH. SATTAR OF THE PAKISTANI DELEGATION TOLD US THAT SOME WAY MUST BE FOUND TO GET AROUND THIS REQUIREMENT FOR PRIOR RECOGNITION. THERE WE ARE.

3. THE PAKISTANI'S DERIVED SOME ASSURANCE FROM A STATEMENT BY THE INDIANS THAT THE "LOGIC OF THE SITUATION" WOULD CARRY EVENTS FORWARD TO A SETTLEMENT ON THE 195 POW'S RETAINED IN INDIA. AND, INDEED, THERE IS EVIDENCE TO SUPPORT A CONCLUSION THAT INDIANS--AND PERHAPS BENGALIS (WHAT IS DACCA'S VIEW?)--ARE GROWING WEARY OF THIS WHOLE BUSINESS. YET THE PAKISTANIS GOT NO SOLID ASSURANCE ON ULTIMATE SETTLEMENT OF THE TRIALS ISSUE, AS MUCH AS THEY TRIED.

4. AT ANY RATE THE INDIANS UNDOUBTEDLY FEEL RELIEVED THAT THEY ARE BEGINNING TO GET OUT OF THE MIDDLE. THEY HAVE BEEN UNDER INCREASING PRESSURE, MOSTLY INTERNATIONAL BUT SOME DOMESTIC, TO FREE THE PRISONERS. BUT THEY HAD MADE A TREMENDOUS INVESTMENT IN BANGLADESH WHICH THEY DID NOT WANT TO RISK. NOW BANGLADESH WILL AT LEAST BE PRESENT AT THE NEXT MEETING TO DISCUSS THE 195 POW'S AND INDIA WILL NOT EVEN ATTEND THE MEETING WHEN THE SECOND ROUND OF BIHARI MIGRATION IS DISCUSSED.

5. OUR CONCLUSION IS THAT THE DELHI NEGOTIATIONS ACHIEVED EXACTLY WHAT THEY SET OUT TO ACHIEVE: "A RESOLUTION OF THE HUMANITARIAN PROBLEMS SET OUT IN THE JOINT INDO-BANGLADESH DECLARATION OF APRIL 17, 1973". NOT COMPLETE AND PERFECT, PERHAPS, BUT SUBSTANTIAL. THEY DID NOT RESOLVE THE MAJOR POLITICAL ISSUES OF RECOGNITION AND WAR CRIMES TRIALS. CONSEQUENTLY THIS IS JUST ANOTHER ROUND IN THE SIMLA PROCESS, AND IN FIVE OR SIX MONTHS--MAYBELESS--THE SUBCONTINENT WILL GEAR UP FOR ANOTHER CLIFF HANGER. MORE TIME WILL ALLOW EVERYONE TO GROW MORE WEARY OF THE WHOLE THING, HOWEVER, AND THE WILL TO SUCCEED, WHICH SEEMS TO BE ALL THAT PULLED THE GANG THROUGH AT DELHI, WILL STILL BE ON THE SIDE OF ACHIEVEMENT. IT MAY THEREFORE BE EASIER NEXT TIME. TO SPICE THINGS UP IN THE INTERIM THERE MAY BE A FEW DIFFERENCES IN INTERPRETATION OF THE PRESENT AGREEMENT, WHICH SHOWS SIGNS OF BEING DRAFTED UNDER CONFIDENTIAL

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PAGE 03 NEW DE 10070 291546Z

PRESSURE. WHO WILL SAY, FOR EXAMPLE, WHAT CONSTITUTES A SUBSTANTIAL NUMBER OF BIHARIS?

6. THIS IS THE WAY THINGS GO IN SOUTH ASIA AND WE IMAGINE THEY WILL CONTINUE FOR A WHILE.
MOYNIHAN

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